IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE C.V.RAMULU

WRIT PETITION NO : 6559 of 2005

Between:

1. Chalamala Venkata Reddy, S/o.Narasa Reddy, aged about 32 years.
2. Bheemesetty Pedda Venkata Subbaiah, S/o.Venkata subbaiah, aged about 50 years.
3. Putta Badraiah died and his L.R.wife Kantammka, aged about 52 years.
4. Pydakula Kondaiah, died his L.R.wife Lakshminarasamma, aged about 54 years.
5. Manduru Narayana died and his L.R. son Malleswaraiah, aged about 43 years.
6. Manduri Ramaiah, S/o.Lakshumaiah, aged about 55 years.
7. Avvaru Padmavathamma died and her L.R.son Vekata subbaiah, aged about 35 years.
8. Avvaru Lakshumaiahgari Ramamurthy, S/o.Vekata subbaiah, aged about 43 years,
9. Avvaru subbarayudu, S/o.Lakshumaiah, aged about 60 years.
10. Avvaru Lakshumaiahgari Subbarayudu, S/o.Venkatasubbaiah, aged about 45 years,
11. Avvaru Sreenivasulu, S/o.Venkataiah, aged about 32 years
12. Avvaru Reddamma, w/o.Venkataiah, aged about 58 years
13. Cheerala Venkata Subbaiah, s/o.Narappa, aged about 54 years
14. Putta Narasimhulu, S/o.Yellaiah, aged about 50 years
15. Gadde Subbamma, W/o.Subbaiah, aged about 62 years
16. Meruva Pallampati Rangaiah, S/o.Krishnaiah, aged about 65 years
17. Meruva Pallampati Venkata Subbaiah, S/o.Rangaiah, aged about 40 years

18. Bhimisetty Subbarayudu, s/o.Nagaiah, aged about 65 years

19. Avvaru subbaiah, S/o.Subbarayudu, aged about 44 years

20. Avvaru Lakshumma, S/o.subbarayudu, aged about 62 years

21. Mamilla Magaiahgari Venkataiah, died his L.R.son Krishnaiah, aged about 44 years

22. Mamilla Mugalahgari Subbanna, S/o.Venkataiah, aged about 44 years

23. Mamilla Mugaiahgari Krishnaiah, S/o.Venkataiah, aged about 46 years

24. Meruva Ramadasu, S/o.Pitchaiah, aged about 55 ears

25. Avvaru Sarswathi, W/o.Venkataiah, aged about 28 years

26. Avvaru Chinna Subbarayudu, S/o.Pedda Subbaiah, aged about 40 years

27. Chinthaginjala Narasimhulu, S/o.Penchaiah, aged about 50 years

28. Aluri Venkateswarulu, S/o.S/o.Venkataiah, aged about 58 years

29. Bhimesetty Subbaiah, died his L.R.son Peddavenkata Subbaiah, aged about 50 years

30. Bhimsetty Chinna Venkata Subbaiah, S/o.Chinna Subbanna, aged about 48 years.

31. Bhimesetty Subbaiah, S/o.Nagaiah, aged about 58 years

32. Bhimisetty Subbamma, died her L.R.Son Subbaiah, aged about 58 years

33. Jonnadula Venkatramaiah, s/o.Raghavaiah, aged about 60 years

34. Bitra Savithramma, W/o.Subbarayudu, aged 45 years

35. Bitra Venkatarathnam, died his L.R Son Venkateswarulu, aged about 38 years

36. Bitra Venkateswarulu, S/o.Venkatarathnam, aged about 38 years

37. Bitra Subbarayudu, S/o.Venkataiah, aged about 34 years

38. Avvaru Venkata Subbamma, W/o.Subbarayudu, aged about 38 years

39. Bhimisetty Pedda Venkatasubbaiah, s/o.Chinna Subbanna, aged about 50 years

40. Avvaru Subbamma, died her L.R.Venkata Subbaiah,

41. Avvaru Ramakrishnaiah, died his L.R. wife Ramasubbamma, aged about 50 years

42. Avvaru Sreenivasulu, S/o.Venkata Subbaiah, aged about 35 years

43. Policharala Gurunadham, S/o.Venkatasubbaiah, aged about 46 years

44. Avvaru Suryanarayana, S/o.Pitchaiah, aged about 44 years

45. Avvaru Laksumma, W/o.Pitchaiah, aged about 60 years

46. Bitra Venkata Das, died his L.R.Daughter Venkata Lakshumma, W/o.Chinnaiah, aged about 39 years

47. Avvaru Subba Rao, s/o.Venkata Subbaiah, aged about 41 years

48. Mamilla Rampallaiahgari China Penchalaiah, S/o.Narasaiah, aged about 44 years

49. M.R.Narasimhulu, S/o.Narsaiah, aged about 48 years

50. Meruva Venkata Narasaiah, died his L.R.wife subbamma, aged about 60 years

51. Pydakula Thirumalaiah, S/o.Thirumalaiah, aged about 50years

52. Gaddam Sreenkvase Ragavaiah, S/o.Subbaiah, aged about 44 years

53. Pydakula Lakshumma, W/o.Thurumalaiah, aged about 48 years

54. Gaddam Chinna subbaiah, S/o.Venkataiah, aged about 80 years

55. Chalamala Venkata Subbamma,

56. Chalamala Narasamma, W/o.Gangireddy, aged about 53 years

57. Ega Subbamma died and her L.R.Chalamala subbamma, W/o.Narasa Reddy, aged about 53 years

58. Chalamala Ramasubbamma, W/o.Jayarami Reddy, aged about 53 years

59. Yalamuri Sambasiva Reddy, S/o.Konda Reddy, aged about 53 years

60. Yalamuri Adilakshumma died and her L.R.Sambasiva reddy, S/o.Konda reddy, aged about 53 years

61. Yalamuri China Sankar Reddy, s/o.Konda Reddy, aged about 43 years

62. Yalamuri Aruna, W/o.Sambasiva Reddy, aged about 43 years

63. Naga Manasamma. @ Bujjamma, w/o.narasimha Reddy, aged about 52 years

64. Yalamuri Lakshmidevi, D/o.Konda Reddy, aged about 35 years

65. Ega Gangamma, w/o.Malleswara Reddy, aged about 44 years

66. Udayagiri Penchalaiah, s/o.Narasaiah, aged about 51 years

67. Naglpogu Ramaiah, s/o.Subbaiah, aged about 50 years

68. Mamilla Ramalakshumma, died her L.R.Seshaiah, S/o.Gandhi, aged about 50 years

69. Chanda Subbamma, W/o.Kesavaiah, aged about 60 years

70. Manduri Sambaiah, S/o.Ramaswami, aged about 48 years

71. Manduri Lakshumma, W/o.Sreeramulu, aged about 60 years

72. Manduri Ramaswami, S/o.Venkatramaiah, aged about 70 years

73. Manduri Venkata Ramaiah, S/o.Lakshmaiah, aged about 58 years

74. Manduri Venkata Subbaiah, S/o.Venkata Ramaiah,
aged about 35 years

75. Bhimesetty Venkata Ramaiah, died his L.R.son Sreenivasulu,
aged about 35 years

76. Manduri Sreeramulu, S/o.Seetharamaiah, aged about 65 years

77. Mamilla Pathalagari Prabhakar, s/o.Gandhi, aged about 48 years

78. Mamilla Saiahppagari Chenchamma, died her L.R.Meruva Varalakshumma, W/o.Pitchaiah, aged about 31 years

79. Mamilla Saiahppagari chenchamma, died her L.R.Meruva Varalakshumma, W/o.Pitchaiah, aged about 31 years

80. M.M.Venkata subbaiah, S/o.Venkataiah, aged about 65 years

81. Bhimesetty Pedda subbaiah, died his L.R.Narasamma,
W/o.Pedda Subbaiah, aged about 68 kyears

82. Bhimesetty Nagabhusanam, S/o.Pedda subbaiah, aged about 48 years

83. Bhemisetty Chinna Venkata subbaiah, died his L.R.son Yallaiah,
aged about 20 years

84. Meruva Pitchaiah, S/o.Venkataiah, aged about 55 years

85. Bhemisetty Pedda Venkata Subbaiah, died his L.R.Wife Lakshumma, aged about 48 years

86. Mamilla Ramalakshumma, died her L.R.son M.R.Prasad, aged 54 years

87. Meruva Subbamma, W/o.Subbarayudu, aged about 50 years

88. Avvaru Lakshumma, died her L.R.son Venkatesu, aged about years

89. Avvaru Lakshumma, died her L.R. son Venkatesu, aged about years

90. Munagapati Chennakesavulu, died his L.R.son Chakra pani,
aged about 20 years

91. M.C.R.Ramaiah, S/o.Rangaiah, aged about 58 years

92. M.C.R.Venkata Subbaiah, S/o.Rangaiah, aged about 63 years

93. M.C.R.Chinnaiah, S/o.Rangaiah, aged about 48 years

94. M.C.R.Narasamma, died her L.R.Son Chinnaiah, aged about 48 years

95. M.R.Prasad, S/o.Yanadaiah, aged about 54 years

96. M.R.Balakrishnai Rao, S/o.Yanadaiah, aged about 42 years

97. M.R.Radhakrishnaiah, S/.Yanadaiah, aged about 38 years

98. M.R.Thrivedi, S/o.S/o.Yanadaiah, aged about 45 years

99. M.R.Yanadaiah, died his L.R.son M.R.Prasad, aged about 54 years

100. Manduru Papulamma, W/o.Dasaratharamaiah,
aged about 55 years

101. Munagapati Chandrayudu, S/o.Chandrayudu, aged about 41 years

102. Manduri Narasaiah, S/o.ramaswami, aged about 41 years

103. Manduru Malleswaraiah, S/o.Narayana, aged about 43 years

104. Manduru Thirupalamma, died her L.R.daughter in Law Anjanamma, W/o.Sreeramulu, aged about 55 years

105. M.R.Chinna Yanadaiah, died his L.R son Rajagopal,
aged about 44 years

106. M.R.Rajagopal, s/o.Chinna Yanadaiah, aged about 44 years

107. M.R.Narasimhulu, S/o.china Yanadaiah, aged about 43 years

108. Munagapati Clhinna Krishnaiah, S/o.Chandrayudu,
aged about 55 years

109. Mamilla Abbalahgari Venkta Subbaiah, S/o.Venkata Subbaiah,
aged about 40 years

110. Bhimisetty Subbarayudu, S/o.Chinna Subbaiah, aged about 40 years

111. Bhimesetty china Subbarayudu, S/o.Chinna Subbanna,
aged about 40 years

112. Bitra Yellamma, W/o.Harinath, aged about 35 years

113. Bitra Shanmukha, S/o.Venkataiah, aged about 45 years

114. Bitra Eswaraiah, S/o.Venkataiah, aged about 48 years

115. Manduri Ramaswami, died his L.R.Son M.Sreenivasulu,
aged about 26 years

116. Manduri Yanadaiah, died his L.R.son M.Venkateswarulu,
aged about 24 years

117. Mamilla Pathaiahgairi Mastanaiah, S/o.Subbaiah,
aged about 60 years

118. Managapati Yellamma, died her L.R.son Chinna Krishnaiah,
aged about 55 years

119. Bhimisetty Lakshumma, W/o.Pedda Subbanna, aged about 64 years

120. Boga Ramalakshumma, W/o.Narasaiah, aged about 60 years

121. Boga Venkata Swamy, S/o.Pitchaiah, aged about 55 years

122. Thukila Penchaiah, S/o.Narasaih, aged about 48 years

123. Chinthalapuri Penchalama, W/o.Nagaiah, aged about 42 years

124. Jyothi Penchalamma, W/o.Thirupalaiah, aged about 40 years

125. Rachuri Venkataiah, S/o.Penchalaiah, aged about 45 years

126. Koppala Narayana, S/o.Narasaiah, aged about 47 years

127. Koppala Narasaiah, S/o.Narasaiah, aged about 50 years

128. Chintha Atchaiah, S/o.Subbaiah, aged about 56 years

129. Ega Konda Reddy, S/o.Rosi Reddy, aged about 66 years

130. Ega subbamma, W/o.Chenna Reddy, aged about 63 years

..... PETITIONERS

AND

1. The Special Deputy Collector (L.A), Somasila Project, Unit.IV, Rjampet.
2. The Special Collector, Telugu Ganga Project, Nellore

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus declaring the action of the respondents in not passing order on the petitioners applications dated 15-4-1999 U/S 28-A of L.A.Act and not re-determining the amount of compensation payable to the petitioners in terms of the order dated 24-8-1998 in LAOP No. and batch as arbitrary, illegal, unjust and un-constitutional and consequentially direct the respondents to pass orders on the petitioners application dated 15-4-1999 under section 28-A of L.A.Act and re-determine the amount of compensation payable to the petitioners in terms of the order dated 24-8-1998 in LAOP NO.121 of 1988 and batch on the file of the learned Senior Civil Judge , Rajampet, Kadapa District.

Counsel for the Petitioner:MR.RAJENDRA BUSSA

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following :

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O R D E R :

The grievance of the petitioners is that their lands have been acquired by invoking the provisions of the Land Acquisition Act. The draft notification under Section 4 of the Land Acquisition Act, was published in the Official Gazette on 4-11-1981. Thereafter, an award was passed. Being dissatisfied with the award passed by the Land Acquisition Officer, some of the claimants sought reference under Section 18 of the Land Acquisition Act. The matter was referred to the Civil Court in L.A.O.P.No.121 of 1988 and batch. The learned Senior Civil Judge, Rajampet, Cuddapa District by a common award, dated
24-8-1998, enhanced the of 80% over and above the market value fixed by the Land Acquisition Officer. Against the said L.A.OP.No.121 of 1988 and batch dated 24-8-1988, the Land Acquisition Officer filed appeals in A.S.No.2714 of 2003 & batch before this Court and the same were also dismissed on 6-12-2004.

2. Be that as it may, the petitioners filed a petition on
15-4-1999 before the Special Deputy Collector seeking
re-determination of the compensation as per Section 28-A of the Land Acquisition Act. It is the complaint of the petitioners that the said application dated 15-4-1999 is still pending with the first respondent.

3. In view of the above, without expressing any opinion on merits, the respondents are directed to consider the application purported to have been filed by the petitioners on
15-4-1999 under Section 28-A of the Land Acquisition Act for
re-determination of the compensation. If the said application is in order and within the stipulated limitation and other provisions of the Act, the respondents shall pass orders within a period of two weeks from the date of receipt of a copy of this order.

4. With the above directions, this writ petition is disposed of.
No order as to costs.

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(C.V.RAMULU, J)

19th April, 2005.

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To

1. The Special Deputy Collector (Land Acquisition), Somasila Project, Unit IV Rajampet,
2. The Special Collector, Telugu Ganga Project, Nellore
3. Two CCs to Govt. Pleader for Land Acquisition, A.P., High Court Buildings, Hyderabad(OUT).
4. Two C.D. copies.